

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
UNITED STATES OF AMERICA, :
:
-v- : 20Cr0007 (DLC)
:
HECTOR TOLENTINO and ERICKSON : ORDER
HERNANDEZ ALMONTE, :
:
Defendants. :
:
-----X

DENISE COTE, District Judge:

Trial in this case is currently scheduled for May 18, 2020.

Due to the COVID-19 pandemic, there is uncertainty as to when jury trials will recommence in the Southern District of New York. The Chief Judge has suspended all jury trials indefinitely, and at least until June 1, 2020. On May 1, 2020, retained counsel Barry Goldberg filed a notice of appearance as attorney for Erickson Hernandez Almonte, to replace assigned counsel Stephen Turano.

Defendant Almonte is in custody in the MDC. Communication with incarcerated defendants is severely restricted at this time due to the pandemic and the emergency measures taken by the Bureau of Prisons to protect the health and safety of inmates and staff.

Accordingly, it is hereby

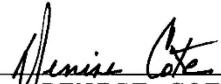
ORDERED that both Mr. Goldberg and Mr. Turano shall submit affidavits to the Court by **May 15, 2020** that confirm, based on their own communications with defendant Almonte, that he desires that Mr. Goldberg replace Mr. Turano as his attorney. Upon receipt of those affidavits, the Court will relieve Mr. Turano from his representation of the defendant and accept Mr. Goldberg as his counsel.

IT IS FURTHER ORDERED that time is excluded in this action from today until September 8, 2020, pursuant to 18 U.S.C. § 3161(h) (7) (A). The Court finds that the circumstances created by the COVID-19 pandemic prevent the conduct of a jury trial for at least this period of time, and that the interests of justice supporting this exclusion outweigh the best interests of the defendants and the public in a speedy trial.

IT IS FURTHER ORDERED that any objection to this Order must be filed by **May 15, 2020**.

IT IS FURTHER ORDERED that the parties shall consult and provide to the Court no later than **August 21, 2020** a written proposal of the date for the trial of any defendant who has not entered a plea of guilty in the case by that date.

Dated: New York, New York
 May 6, 2020



DENISE COTE
United States District Judge